



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3005015

**Applicant Name:** Ken and Sharon Coleman

**Address of Proposal:** 1371 – 31<sup>st</sup> Ave S

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into three lots (unit lot subdivision). Proposed lot sizes are: A) 2,141 sf., B) 1,952 sf. and C) 3,399 sf.

This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects include a MUP #2404319 and BP #2500705 (establish use for future construction of single purpose residential townhouses).

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into three lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

The approximately 7,492 square foot property is located at the corner of 31<sup>st</sup> Avenue S. and S. Day Street in the Mt Baker neighborhood. Pedestrian access to the site currently occurs from 31<sup>st</sup> Ave S. S Day St. is not developed to roadway requirements with curb, gutter and sidewalk due to the location of a regulated steep slope within the right of way; however a staircase is present that links 31<sup>st</sup> Ave S. and 30<sup>th</sup> Ave S. 31<sup>st</sup> Ave S is improved with curb, gutter and sidewalk. Vehicle access for the proposed townhouse development will occur from 31<sup>st</sup> Ave S from a 10 foot curbcut.

The subject lot is zoned NC1-30. Other properties in the area to the north are zoned L2, to the west are zoned L1 with properties to the south zoned NC1-30. The immediate area is marked by minor institutions, nonresidential uses, low density apartments, townhouses and some single family residences.

### Proposal

The proposal is to subdivide one parcel into three unit subdivision lots with vehicle access to the new townhouses provided through 31<sup>st</sup> Ave S. The proposed lots sizes for the townhouses are:

- Unit Lot A - 2,141 sf
- Unit Lot B - 1,952 sf
- Unit Lot C - 3,399 sf

All of the structures have been reviewed for building and zoning requirements under MUP No. 2404319 and 2500705. The three new townhouse units will be located in one contiguous structure. The development will share a single joint access driveway on the north property line, with each structure containing a separate parking space for each unit.

### Public Comments

The comment period for this proposal ended on June 21, 2006. During the public comment period, DPD received no written comments related to the project.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned NC1-30. The use was permitted under MUP No. 2404319, allowing single purpose residential use through a conditional use permit approval. The allowable density of the subject property is one unit per seven hundred (700) square feet of lot area. Given a lot area of approximately 7,492 square feet, a total of ten (10) units are allowed for the entire site, well in excess of the number of units proposed in this application.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requests an easement for electrical facilities, to be recorded with this plat. Upon recording of this easement, this short plat will provide for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on June 9, 2006. Plan review requirements were made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. However, a joint use maintenance agreement will be required for each owner to share equally in the costs for maintenance and repair of the common drainage and side sewer facilities. Upon recording of this joint maintenance agreement, this short plat will provide for adequate access for vehicles, utilities, and fire protection.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

Not applicable, as this is a unit lot subdivision.

6. *Is designed to maximize the retention of existing trees;*

The MUP and BP assumed retention of vegetation in a designated steep slope at the west side of the property.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The proposal will result in the creation of single purpose residential housing, permitted under SMC 23.47. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be incorporated as a note on the final short subdivision:

*The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2404319. These provisions include, but are not limited to, setback, density, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity on the proposed Lots are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

### Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the NC1 zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. As conditioned, this unit subdivision provides adequate vehicular access, access for public and private utilities, adequate provisions for water supply, sanitary sewage and drainage control.

### DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is CONDITIONALLY GRANTED.

### CONDITIONS - SHORT SUBDIVISION

#### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Include the following statement on the face of the plat:  
  

*The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*
3. Include easement language for Seattle City Light requirements to provide power to the proposed lots.
4. A joint use maintenance agreement will be required for each owner to share equally in the costs for maintenance and repair of the common drainage and side sewer facilities.
5. Submit the final recording forms for approval and any necessary fees.

Signature: (signature on file)  
Michael Jenkins, Senior Land Use Planner  
Department of Planning and Development  
Land Use Services

Date: July 20, 2006